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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

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Tuesday - 15 June 1976

1. ADMINISTRATIVE Called Tim Hardy, White House staff, and told him that we had received word that Representative Michael Harrington (D., Mass.) had proposed a resolution for information on all U.S. activities for the past five years. Chairman Thomas Morgan, House International Relations Committee, has sent a letter to the President asking for the Administration's comments by Thursday, 17 June. I told him that we planned to register a negative comment. Hardy said he would check this with Jack Marsh, Counsellor to the President, and get back to me.

We also discussed the status of the destruction of documents and the letter Chairman Daniel Inouye, Senate Select Committee on Intelligence, had sent to Senators Mike Mansfield (D., Mont.) and Hugh Scott (R., Pa.) imposing an extension of the moratorium for another six months. Hardy later called back and said that he had just talked with Tom Latimer, DOD, and Latimer understood that the letter Chairman Inouye wrote to Senators Mansfield and Scott covered Defense Department as well as CIA. He suggested that I call Latimer and discuss this with him.

2. (Unclassified - GLC) ADMINISTRATIVE Called Tom Latimer, DOD, and told him that I had talked with Tim Hardy, White House staff, about the destruction of documents moratorium. I told Latimer that our letters to Senators Mike Mansfield (D., Mont.) and Hugh Scott (R., Pa.) telling them that we wanted to destroy some material concerned the Agency only. Latimer understood but felt that Senator Daniel Inouye's (D., Hawaii) letter to Senators Mansfield and Scott conveyed the impression that he would review every document to be destroyed. I explained that I felt he would only be reviewing categories and not individual documents.

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7. (Unclassified - THW) BRIEFING I called Tom Smeeton, House International Relations Committee staff, to check on the briefing for Representatives William Broomfield (R., Mich.), Thomas E. Morgan (D., Pa.), and Clement J. Zablocki (D., Wis.) on the files obtained by the North Vietnamese when they invaded Saigon. Smeeton said that Representative Broomfield had been unable to line up Representatives Morgan and Zablocki and had cancelled the request for the time being.

8. (Unclassified - THW) LIAISON I called Marian Czarnecki, Chief of Staff, House International Relations Committee, with respect to the letter from Representative Thomas E. Morgan (D., Pa.), Chairman of the Committee, asking for comments on Representative Michael Harrington's (D., Mass.) resolution 1295. We discussed the status of the matter and procedural aspects. Czarnecki suggested that we discuss our draft answer with him informally before it is finalized.

I also mentioned the letter from Representative Lester L. Wolff (D., N.Y.), Chairman of the Special Subcommittee on Future Foreign Policy Research and Development, and told him that the Director was reluctant to authorize the appearance of Roger Brown on the basis that he does not want Agency personnel involved in policy discussions. Czarnecki said that while he would be willing to approach Chairman Morgan, the Director should call the Chairman directly.

9. (Unclassified - WPB) LEGISLATION Called Bob Carlstrom, OMB, and cleared Assistant Attorney General Richard L. Thornburgh's testimony on S. 1343, "The Right of Financial Privacy Act of 1973," before the Senate Committee on Banking, Housing and Urban Affairs.

10. (Internal Use Only - WPB) LEGISLATION Called Russ Rourke, on the White House staff; Sam Goldberg, Deputy Assistant Secretary of State for Congressional Relations; and Tom Smeeton, on the Minority staff of the House International Relations Committee, to alert them to Representative Michael Harrington's (D., Mass.) resolution of inquiry concerning [redacted] Goldberg asked that we send him whatever information we send to the NSC.

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3. (Unclassified - GLC) ADMINISTRATIVE Talked with Sam Hoskinson, NSC staff, concerning Representative Michael Harrington's (D., Mass.) H. Res. 1295 requesting information on U.S. activities in [redacted]. I told him that we had a suggested response that we wanted to show the Director before LDX'ing it to him. Hoskinson said that was fine, but he would like to have it tonight if possible so that he could coordinate it at the White House before sending a letter back to Chairman Thomas Morgan, House International Relations Committee, on Thursday. I told him we would try to get it over to him tonight. I also told him we would get copies to State. (The draft was subsequently approved by the Director and LDX'd to Hoskinson along with some technical data.)

4. (Unclassified - DFM) LIAISON Richard Kaufman, General Counsel, Joint Economic Committee, called to request the unedited transcript of the Director's 24 May testimony before the Committee. [redacted] delivered the transcript within an hour.

5. (Unclassified - RLB) LEGISLATION Received a call from Ms. Catherine Fabiani, Department of Defense/OASD, regarding our views letter on S. 2925, Senator Edmund S. Muskie's (D., Maine) zero-base review bill. Ms. Fabiani requested the latest committee print of the bill, which I arranged to have delivered to her, and she promised to expedite review of the letter by herself and the other concerned offices in DOD. I informed her of my latest information from the Subcommittee on Intergovernmental Relations, Senate Government Operations Committee, regarding prospects for the bill.

Mr. Ted Farfaglia, on the Subcommittee Minority staff, informed me that the hearings on S. 2925 that had been scheduled for Wednesday, 16 June, had been cancelled but that he still anticipated Committee consideration of the bill on or about 28 June.

6. (Internal Use Only - RLB) LEGISLATION I was informed by Mr. Tom Mooney, on the Minority staff of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, House Judiciary Committee, that the full Committee was scheduled to meet tomorrow to consider H.R. 214, the Right to Privacy Act of 1976. Mr. Mooney noted that a number of amendments to the bill would be considered, but that as far as he knew none reflected foreign intelligence concerns such as those raised in our fact sheet that was made available to Mr. Mooney to inform Representatives Charles E. Wiggins (R., Calif.) and Tom Railsback (R., Ill.) of our concerns. We agreed to follow-up our discussion tomorrow after the Committee meets on the bill.

Regarding H.R. 12750, the Foreign Intelligence Surveillance Act of 1976 (the Administration's wiretap bill), Mr. Mooney said that no formal action was scheduled as of this time.

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Dear Mr. Chairman:

The President has asked me to respond to your letter of June 14, 1976 and to tell you he appreciates the opportunity to comment on H. Res. 1295. The President strongly believes that approval of the Resolution by the Committee on International Relations and the House of Representatives would be incompatible with the public interest.

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The Committee and the House may wish to consider whether such a Resolution is an appropriate instrument for considering the kinds of activities set forth in H. Res. 1295. The President believes that, regardless of the country involved, information on any activities such as those mentioned in H. Res. 1295 should be dealt with only by the appropriate committees of Congress with due consideration for protecting against public disclosure of information which could be harmful to the nation's foreign policy and national security. |

In addition, the adoption of H. Res. 1295 would be wholly inconsistent with the purpose of Section 662 of the Foreign Assistance Act of 1961, as amended. That provision, which resulted from the work of your Committee, was enacted specifically to keep Congress informed of the kinds of activities described in the Resolution. If the Resolution is now adopted, it would vitiate the procedures set up for this very purpose.

Based on the above considerations, the President hopes that the Resolution will not be approved.